

90th Legislative Session – 2015

Committee: House Judiciary

Wednesday, February 11, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Hunt
P Johns
P DiSanto
P Haugaard
P Langer
P Latterell
P Peterson (Kent)
P Russell
P Westra
P Gibson
P Killer
P Stevens, Vice-Chair
P Mickelson, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mark Mickelson, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 9, 2015.

Moved by: Gibson
Second by: Langer
Action: Prevailed by voice vote.

HB 1082: allow a law enforcement officer to issue a citation without a notary.

Presented by: Representative Dan Kaiser
Proponents: Rick Miller, Department of Public Safety

MOTION: AMEND HB 1082

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 23-1A-5 be amended to read as follows:

23-1A-5. Any person may sign a petty offense complaint for an offense which occurred in his presence. A petty offense complaint, ~~other than one issued by a law enforcement officer,~~ shall be signed under oath. It is sufficient if a law enforcement officer, in lieu of signing the petty offense complaint under oath, signs the following statement printed or written on a complaint or summons for a petty offense on a uniform traffic ticket: "I declare and affirm under the penalties of perjury that this complaint or summons has been examined by me, and to the best of my knowledge and belief, is in all things true and correct." Any person who signs this statement as provided for in this section, knowing the statement to be false or untrue, in whole or in part, is guilty of perjury.

Section 2. That § 23A-2-1 be amended to read as follows:

23A-2-1. A complaint is a written statement of the essential facts constituting an offense charged. It must be signed under oath before a person authorized to administer oaths in the State of South Dakota. It is sufficient if a law enforcement officer, in lieu of signing a complaint for a Class 2 misdemeanor under oath, signs the following statement printed or written on a complaint or summons on a uniform traffic ticket: "I declare and affirm under the penalties of perjury that this complaint or summons has been examined by me, and to the best of my knowledge and belief, is in all things true and correct." Any person who signs this statement as provided for in this section, knowing the statement to be false or untrue, in whole or in part, is guilty of perjury."

Moved by: Johns
Second by: Latterell
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1082 AS AMENDED

Moved by: Langer
Second by: Hunt
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Hunt, Johns, DiSanto, Haugaard, Langer, Latterell, Peterson (Kent), Russell, Westra, Gibson, Killer, Stevens, Mickelson

MOTION: PLACE HB 1082 ON CONSENT CALENDAR

Moved by: Langer

Second by: Latterell
Action: Failed by voice vote.

HB 1067: establish maximum reproduction costs for medical records.

Presented by: Representative Lee Schoenbeck (Handouts: Handouts #1, #2)
Proponents: Roger Tellinghuisen, SD Trial Lawyers Association
Tom Barnett, State Bar Association
Drew Duncan, South Dakota Insurance Alliance
Opponents: Jennifer Stalley, Community Healthcare Association of the Dakotas
Jeremiah Murphy, Regional Health, Inc.
Kitty Kinsman, LifeScape
Dean Krogman, SD State Medical Assoc.
Tim Dougherty, Avera Health
Lorin Pankratz, Sanford Health
Paul Knecht, SD Dental Association

MOTION: AMEND HB 1067

1067rb

On page 1, line 10, of the printed bill, delete "twenty-five" and insert "thirty-three".

On page 2, line 17, delete "twenty-five" and insert "thirty-three".

On page 3, delete line 11.

On page 3, delete line 12, and insert "Notwithstanding any other provision of law or regulation of this state,".

On page 3, line 14, after "more" insert "for copies of medical records".

Moved by: Stevens
Second by: Langer
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1067 AS AMENDED

Moved by: Hunt
Second by: Langer
Action: Prevailed by roll call vote. (9-4-0-0)

Voting Yes: Hunt, Johns, Haugaard, Langer, Latterell, Peterson (Kent), Russell, Stevens, Mickelson

Voting No: DiSanto, Westra, Gibson, Killer

THE CHAIR DEFERRED HB 1212 UNTIL ANOTHER LEGISLATIVE DAY.

HB 1196: revise certain driver licensing provisions.

Presented by: Representative Kevin Killer (Handouts: Handouts #3,4,5,6)

Proponents: Senator Troy Heinert

Chair passed the gavel to the Vice-Chair

Stevee Ecoffy - Self - telephone testimony

Opponents: Jenna Howell, Department of Public Safety (Handouts: Handouts #7,8)

Gavel passed back to the Chair

MOTION: DEFER HB 1196 TO THE 41ST LEGISLATIVE DAY

Moved by: Langer

Second by: Peterson (Kent)

Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Hunt, DiSanto, Haugaard, Langer, Peterson (Kent), Westra, Stevens, Mickelson

Voting No: Johns, Latterell, Russell, Gibson, Killer

THE CHAIR DEFERRED HB 1205 UNTIL WEDNESDAY, FEBRUARY 18, 2015

MOTION: ADJOURN

Moved by: Gibson

Second by: Westra

Action: Prevailed by voice vote.

Liz Markley
Committee Secretary

G. Mark Mickelson, Chair